United Nations A/64/710

General Assembly

Distr.: General
17 March 2010

Original: English

Sixty-fourth session
Agenda item 128
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter dated 15 March 2010 from the Secretary-General addressed to the President of the General Assembly

I have the honour to attach for your attention a letter dated 1 March 2010 from Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia (see annex).

President Robinson seeks authorization for two ad litem judges, Judge Kimberly Prost (Canada) and Judge Ole Bjørn Støle (Norway), to continue serving at the International Tribunal until the end of May 2010 so that they may complete the judgement in the case of the *Prosecutor v. Popović et al.*

In resolution 1900 (2009) of 16 December 2009, the Security Council decided that, notwithstanding the expiry of their terms of office on 31 December 2009, Judges Prost and Støle would be allowed to complete the *Popović* case. The Security Council took note of the intention of the International Tribunal to complete that case before the end of March 2010. According to President Robinson, the completion of the *Popović* case has now been delayed until the end of May 2010, due to unforeseen factors related to the scale and complexity of the case.

In the light of the above, the approval of the Security Council, as the parent organ of the International Tribunal, and of the General Assembly, as the organ that elects its judges, is necessary to allow Judges Prost and Støle to complete the *Popović* case, notwithstanding the expiry of their terms of office.

I would be grateful if you could bring the letter from President Robinson to the attention of the members of the General Assembly.

(*Signed*) **BAN** Ki-moon

10-27637 (E) 180310

Please recycle

Annex

Letter dated 1 March 2010 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the Secretary-General

I have the honour to refer to the 116th plenary meeting of the fifty-ninth session of the General Assembly on 24 August 2005, during which 27 ad litem judges of the International Criminal Tribunal for the Former Yugoslavia were elected for a mandate of four years. I also refer to resolution 1837 (2008), resolution 1877 (2009) and resolution 1900 (2009), which were adopted by the Security Council on 29 September 2008, 7 July 2009 and 16 December 2009, respectively.

In resolution 1900 (2009), the Security Council decided that, notwithstanding the expiry of their terms of office on 31 December 2009, Judge Kimberly Prost (Canada) and Judge Ole Bjørn Støle (Norway) may be permitted to complete the *Popović et al.* case. It also took note of the intention of the International Tribunal to complete the case before the end of March 2010. By the present letter, I wish to advise that, due to unforeseen factors related to the scale and complexity of the case of *Popović et al.*, the delivery of the judgement is delayed and will not be rendered until the end of May 2010.

Accordingly, it has become necessary to seek an extension of the terms of Security Council resolution 1900 (2009) in order to extend the mandates of Judges Prost and Støle so that they may complete their assignment to this case and so that they can continue to serve beyond the cumulative period of service provided for under article 13 ter, paragraph 2, of the statute of the International Tribunal.

It has also become necessary to seek an extension of the terms of Security Council resolution 1900 (2009) as the International Tribunal will continue to have a total number of ad litem judges over the statutory limit until the delivery of the judgement in the *Popović et al.* case.

I would be grateful if these matters could be brought to the attention of the Security Council as a matter of urgency.

(*Signed*) Patrick **Robinson**
President